



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
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WASHINGTON, D.C. 20301-4000

OCT - 8 2020

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP (SEE DISTRIBUTION)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Direct-Hire Authority for Advancing Military to Mariner within the Department of Defense

Reference: Section 3511(d) of the National Defense Authorization Act for Fiscal Year 2020, Public Law 116-92, "Advancing Military to Mariner within Employer Agencies"

The reference provides that the Secretary of Defense shall have direct-hire authority to employ separated members of the uniformed services with valid merchant mariner licenses or sea service experience in support of U.S. national maritime needs. Except in the case of positions within the Senior Executive Service, the requirements of 5 U.S.C. § 3326(b) shall not apply to the hiring of a separated member of the uniformed services under this authority.

The Secretary may use this direct-hire authority notwithstanding chapter 33, subchapter I of title 5, U.S.C. However, as a policy matter, sections 3321 (competitive service probationary period) and 3323 (automatic separations, reappointment, and reemployment of annuitants) of chapter 33, subchapter I of title 5, U.S.C., and corresponding Code of Federal Regulations provisions will continue to apply to hiring under this authority. The attachment provides implementing procedures for use of this direct-hire authority.

For more information, my point of contact is Ms. Melissa Lalonde, Associate Director, Employment and Compensation, Defense Civilian Personnel Advisory Service, whom you may reach at (571) 372-1557 or melissa.a.lalonde.civ@mail.mil.

Matthew P. Donovan

Attachment:
As stated

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DIRECT-HIRE AUTHORITY FOR ADVANCING MILITARY TO MARINER WITHIN THE
DEPARTMENT OF DEFENSE IMPLEMENTATION PROCEDURES

1. Authority

a. Section 3511(d) of the National Defense Authorization Act for Fiscal Year 2020 provides that the Secretary of Defense shall have direct-hire authority (DHA) to employ separated members of the uniformed services with valid merchant mariner licenses or sea service experience in support of United States national maritime needs. Section 3511 also provides that 5 U.S.C. § 3326(b) shall not apply when hiring a separated member of the uniformed services under this authority, except with respect to the Senior Executive Service. Use of the section 3511 authority is without regard to chapter 33, subchapter I of title 5, U.S.C. As a matter of policy, sections 3321 and 3323 of chapter 33, subchapter I of title 5, U.S.C., and corresponding Code of Federal Regulations provisions will continue to apply.

(1) The authority to appoint qualified persons under this DHA is delegated to the Secretaries of the Military Departments, Directors of Defense Agencies, and Directors of DoD Field Activities with independent appointing authority; hereafter referred to as “DoD Components.”

(2) DoD Components must maintain records on their use of this authority for themselves and must submit usage reports upon request. This authority does not have an expiration date.

2. Use of Direct-Hire Authority

This DHA enables the DoD to recruit and appoint separated members of the uniformed services who are qualified candidates without applying competitive rating and ranking procedures. The following principles shall be followed when exercising this authority:

- a. A highly-qualified workforce is critical to the DoD’s mission.
- b. Recruitment efforts should be expansive enough to ensure, to the extent possible, that a diverse candidate pool exists.
- c. Merit factors shall be the basis for selecting individuals for positions. All personnel programs and practices shall be administered in accordance with DoD Directive 1020.02E, “Diversity Management and Equal Opportunity in the DoD.”
- d. DoD Components must ensure transparency, accountability, and auditability in hiring processes.

3. Covered Positions

This DHA may be used to appoint individuals at the GS-15 and below (or equivalent pay grades).

4. Definitions

a. Qualified candidates are individuals who:

(1) Possess a valid United States Coast Guard (USCG) Merchant Marine Credential;

(2) Meet the minimum standards for the position as published in the applicable Office of Personnel Management qualification standards and any DoD qualification standards specific to the position to be filled; and

(3) Meet any selective placement factor(s) and/or competencies identified as necessary for appointment to the position.

b. "Separated member of the uniformed services" is an individual who will receive or has received an honorable or general (under honorable conditions) discharge characterization and:

(1) Is retiring or has retired as a member of the uniformed services;

(2) Is voluntarily separating or has voluntarily separated from the uniformed services at the end of enlistment or service obligation; or

(3) Is administratively separating or has administratively separated from the uniformed services.

c. "Merchant mariner license" is part of a Merchant Mariner Credential (MMC) issued by the USCG. As such, for the purpose of this policy, MMC will be used.

d. "Valid" means the MMC:

(1) Has been signed by the holder and a duly authorized Coast Guard official;

(2) Is not expired (i.e., no more than 5 years beyond the date of issuance);

(3) Has not been suspended or revoked; and

(4) Shows no evidence of tampering.

e. “Sea service experience in support of United States national maritime needs” is determined only by the USCG. Possession of a valid MMC means that the USCG determined and applied any creditable service prior to issuing to the holder.

f. “Section 3326(b) of title 5, United States Code shall not apply” means that separated members of the uniformed services who are eligible, qualified candidates may be appointed under this authority without regard to the 180-day post-retirement waiting period and without the need for related recruitment procedures.

5. Announcement and Assessment Process

a. Public notice is not required; however, if posting job opportunity announcements (JOAs), DoD Components must use JOAs that are concise and easily understood.

(1) DoD Components will establish recruitment procedures that facilitate identification of qualified individuals for referral to management for selection and appointment.

(2) DoD Components must ensure that Merit System Principles are followed when posting advertisements and announcements, receiving applications, referring candidates, and notifying applicants regarding receipt and status of their applications.

(3) Potential applicants should have ready access to information about how to apply for positions, and the basis on which they will be assessed to meet qualifying criteria.

b. DoD Components will assess candidates against job-related criteria, ensuring they have the skills and behavioral attributes that lead to success.

(1) Selectees for entry level positions requiring the Administrative Careers with America (ACWA) assessment must be assessed using the most recent, streamlined ACWA examination or a validated alternative assessment instrument (e.g., select USA HIRE assessments).

c. Appointments under this authority are subject to the Priority Placement Program (PPP). Procedures applicable to the use of DHA may be found in the PPP Handbook, available at: https://www.dcpas.osd.mil/Content/documents/EC/PPP_Handbook_112019.pdf.

6. Appointing Authority

Appointments may be made on a temporary, term, or permanent basis using the following Legal Authority Code/Legal Authority:

Z5CAI/Direct-Hire Auth (Military to Mariner), Sec 3511(d), PL 116-92, 12/20/2019

7. Oversight and Accountability

Each DoD Component is responsible for determining the appropriate use of this DHA to meet workforce needs, ensuring implementation is in accordance with Merit System Principles and applicable collective bargaining agreements.

a. The Under Secretary of Defense for Personnel and Readiness is responsible for the development of implementing guidance and policies.

b. The Defense Civilian Personnel Advisory Service (DCPAS) will oversee and monitor use of this authority throughout the DoD.

c. DoD Components are responsible for oversight, accountability, and reporting for themselves and their serviced organizations. Components are required to report on the usage and effectiveness of the authority as requested by DCPAS.

d. Documentation for appointments made under this authority must be sufficient to allow reconstruction of actions taken and must be maintained for a time frame consistent with other appointing authorities (e.g., résumés, JOAs, candidate referral lists, if applicable).

e. Appointments under this authority will be evaluated as part of the DoD Human Capital Framework.

members of the uniformed services who are seeking information and assistance on merchant mariner credentialing; and

(5) not later than 1 year after the date of enactment of this section, take all necessary and appropriate actions to review and implement service-related medical certifications to merchant mariner credential requirements. Deadline.
Review.

(d) ADVANCING MILITARY TO MARINER WITHIN THE EMPLOYER AGENCIES.—

(1) **IN GENERAL.**—The Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, and the Secretary of Commerce shall have direct hiring authority to employ separated members of the uniformed services with valid merchant mariner licenses or sea service experience in support of United States national maritime needs, including the Army Corps of Engineers, U.S. Customs and Border Protection, and the National Oceanic and Atmospheric Administration.

(2) **APPOINTMENTS OF RETIRED MEMBERS OF THE ARMED FORCES.**—Except in the case of positions in the Senior Executive Service, the requirements of section 3326(b) of title 5, United States Code, shall not apply with respect to the hiring of a separated member of the uniformed services under paragraph (1).

(e) **SEPARATED MEMBER OF THE UNIFORMED SERVICES.**—In this section, the term “separated member of the uniformed services” means an individual who— Definition.

(1) is retiring or is retired as a member of the uniformed services;

(2) is voluntarily separating or voluntarily separated from the uniformed services at the end of enlistment or service obligation; or

(3) is administratively separating or has administratively separated from the uniformed services with an honorable or general discharge characterization.

SEC. 3512. DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL REPORT.

The Inspector General of the Department of Transportation shall—

(1) not later than 180 days after the date of enactment of this title, initiate an audit of the Maritime Administration’s actions to address only those recommendations from Chapter 3 and recommendations 5–1, 5–2, 5–3, 5–4, 5–5, and 5–6 identified by a National Academy of Public Administration panel in the November 2017 report entitled “Maritime Administration: Defining its Mission, Aligning its Programs, and Meeting its Objectives”; and Deadline.
Audit.

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of that audit once the audit is completed.

SEC. 3513. INDEPENDENT STUDY ON THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this title, the Secretary of Transportation shall seek Deadline.
Contracts.